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Proposition 22

#

Title **OSTEOPATHS. Amendment of Osteopathic Initiative Act**

Year **1962**

Proposition initiative (leg)
type

Popular Yes: 3,407,957 (68.9 n%); No: (31.1%)
vote

Pass/Fail Pass

Summary

Continues Board of Osteopathic Examiners with power to enforce certain provisions of the Medical Practice Act as to osteopaths. Provides that qualified osteopaths who elect to designate themselves "M.D." will be subject to the jurisdiction of the Board of Medical Examiners. Grants Legislature power to amend the Osteopathic Initiative Act of 1922 and repeal that act and transfer functions to Board of Medical Examiners when there are 40 or less licensed osteopaths.

Analysis

Analysis by the Legislative Counsel

This measure amends the Osteopathic Act, an initiative measure, by repealing the authority the Board of Osteopathic Examiners now possesses to issue to graduates of osteopathic schools certificates which permit the holder to practice osteopathy.

It permits osteopaths who elect to do so to use the term or suffix "M.D." and brings those who do so within the jurisdiction of the Board of Medical Examiners of the State of California. Those who do not so elect remain subject to the jurisdiction of the Board of Osteopathic Examiners. Under a 1962 law the election may be made at any time up to December 31, 1962.

The measure would also authorize the Legislature to amend or modify the Osteopathic Act and to completely repeal it if the number of persons subject to the jurisdiction of the Board of Osteopathic Examiners is reduced to 40 or less. If the act is repealed the functions of the Board of Osteopathic Examiners are to be transferred to the Board of Medical Examiners.

Finally the measure requires the Legislature to appropriate to the Board of Osteopathic Examiners such funds as may be reasonably necessary to carry out its functions.

For

Argument in Favor of Proposition No. 22

In the interest of better health care for all Californians, we respectfully urge your "yes" vote on Proposition Number 22.

Those of us who have been honored with the privilege of addressing this message to you, hope you will encourage all other voters to join in support of this measure which is certain to help increase the quality and amount of medical care available throughout our growing California.

The legislation called for by this proposition will further the attainment of these goals by bringing about the unification of two fine professions, medicine and osteopathy.

This unification has already been enthusiastically endorsed and approved by the members of the California Medical Association and the California Osteopathic Association. These Association members, who bear equal responsibilities and equal rights, are the doctors largely responsible for the health care of California's citizens. These men and women strongly urge your "yes" vote.

Before submission to the California Legislature, all the necessary steps for the unification of the doctors of our State were carefully worked out by the deans of these medical schools: Clayton G. Loosli, M.D., University of Southern California; Walter E. Maepheron, M.D., Loma Linda University; Stafford L. Warren, M.D., University of California -- Los Angeles Medical Center; and W. Ballentine Henley, President of the California College of Medicine.

The unification program was then thoroughly studied and passed by the Legislature. In the Senate the merger was approved by the overwhelming vote of 30 to one.

Another "health dividend" for patients resulting from the merger will be the complete elimination of any and all barriers to full opportunities for medical education -- now and in the future.

Better education means better trained doctors. And the better the doctor, the better the care for his patients!

Unification, of course, will not mean any physician will receive any rights, privileges or recognition that he has not earned, solely on his proven ability to care for the sick. As always, each physician will be judged on his merits, his experience and his educational background.

And patients, as always, will maintain the right to choose their own doctor.

The public is assured that osteopathic doctors, who wish to continue with their manipulative therapy, may continue to do so, that their type of care for their particular patients will not change.

It is for the physicians and surgeons now in practice in California that we ask your "yes" vote so that a unified profession can go forward, with all the advantages for medical progress and education that are available today and will be available in the future, to provide better health care for all.

FOR(au) Stephen P. Teale |t State Senator, Calaveras, Mariposa and Tuolumne Counties

FOR(au) Dr. Omer W. Wheeler |t President, California Medical Association

FOR(au) Dr. Joseph P. Cosentino |t President, California Osteopathic Association

Against

Argument Against Proposition No. 22

The proposed unification of the two professions, the medical doctors and the osteopathic doctors, was subjected to a thorough discussion in the California Legislature.

Proponents declared that:

Members of both professions take the identical examinations for their respective State licenses to practice either medicine or osteopathy in California, and

Once licensed, medical doctors and osteopathic doctors have the same rights and privileges when providing their own brand of health care to the sick.

I further understand that, because of the growing similarity of the two types of healing, both groups are in more or less general agreement on the proposed merger that will eventually discontinue the practice of osteopathy in California.

This is the main point in my disagreement. It is my conviction that any person has the right to choose his own type of care.

My negative vote was to serve warning that in case this unification program is approved, and if the promises are not properly kept, I shall, at the earliest possible moment, introduce corrective legislation. The Proposition, as now presented to the people for a vote, provides for any necessary changes by future legislatures.

I have been very temperate in the questioning of the merits of this legislation because, as I have pointed out, a person's health care is a very personal matter and decisions are not to be made lightly. And, they are not to be made as the result of emotional, unfounded and unsupported charges. In the interest of good government -- as well as good health -- it is of vital importance that all voters hear both sides of the question and then come to the conclusions they think best.

SENATOR VIRGIL O'SULLIVAN

**Text of
Prop.**

(This proposed law expressly amends an existing law and adds new provisions to the law; therefore **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BLACK-FACED[BOLD] TYPE**.)

PROPOSED LAW

An act to amend an initiative act entitled "An act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof" approved by electors November 7, 1922, by adding Sections 2,3, and 4 thereto and by repealing Sections 2 and 3 thereof, relating to the practice of osteopathy, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors at a special election to be consolidated with the 1962 general election.

The people of the State of California do enact as follows:

Section 1. Section 2 of this act cited in the title is repealed.

~~SEC. 2. All persons who are graduates of osteopathic schools and who desire to apply for any form of certificate mentioned or provided for in the state medical practice act, approved June 2, 1913, and all acts amendatory thereof, shall make application therefor, to said board of osteopathic~~

~~examiners and not to the board of medical examiners of the State of California. The board of osteopathic examiners in respect to graduates of osteopathic schools, applying for any form of certificate mentioned or provided for in the state medical practice act, approved June 2, 1913, and all acts amendatory thereof, is hereby authorized and directed to carry out the terms and provisions of the state medical practice act, approved June 2, 1913, and all acts amendatory thereof, and all laws hereafter enacted prescribing and regulating the approval of schools, the qualifications of applicants for examination for any form of certificate, the applications for any form of certificate, the admission of applicants to examinations for any form of certificate, the conduct of examinations, the issuance of any form of certificate, the collection of fees from applicants, the collection of an annual tax and registration fee, the compilation and issuance of a directory, the revocation of any form of license or certificate, the prosecution of persons who attempt to practice without a certificate, and all other matters relating to the graduates of osteopathic schools, holding or applying for any form of certificate or license. Every applicant to said board of osteopathic examiners for any form of certificate shall pay to the secretary-treasurer of the board the fees prescribed for such application by said state medical practice act, approved June 2, 1913, or any acts amendatory thereof or laws hereafter enacted. Said board of osteopathic examiners shall, in respect to all matters aforesaid, relating to graduates of osteopathic schools, applying for or holding any form of certificate or license, take over, exercise and perform all the functions and duties imposed upon and heretofore exercised or performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 3, 1913, and acts amendatory thereof. The provisions of said state medical practice act, approved June 2, 1913, and acts amendatory thereof are hereby declared to be applicable to said board of osteopathic examiners in respect to all of the aforesaid matters and all other matters now or hereafter prescribed by law relating to the graduates of osteopathic colleges holding or applying for any form of certificate or license. In no other respects than as herein provided shall the jurisdiction, duties or functions of said board of medical examiners of the State of California be in any wise limited or changed; nor shall the board of osteopathic examiners have any power of jurisdiction over the graduates of any other than osteopathic schools. From and after the time of the organization of the board of osteopathic examiners of the State of California, shall have no further jurisdiction, duties or functions with respect to graduates of osteopathic schools holding or applying for any form of certificate or license and the said jurisdiction, duties and functions shall be assumed and performed by said board of osteopathic examiners.~~

Sec. 2. Section 2 is added to said act, to read:

Sec. 2. The Board of Osteopathic Examiners shall enforce those portions of the Medical Practice Act identified as Article 12 (commencing with Section 2340), Article 13 (commencing with section 2360), Article 14 (commencing with Section 2425), of Chapter 5 of Division 2 of the Business and Professions Code, as now existing or hereafter amended, as to persons who hold certificates subject to the jurisdiction of the Board Of Osteopathic Examiners; however, persons who elect to practice using the term or suffix "M.D." as provided in Section 2396 of the Business and Professions Code, as now existing or hereafter amended, shall not be subject to the provisions of this section, and the Board of Medical Examiners of the State of California shall enforce the provisions of said articles as to persons who make such election. After making such election, each such person so electing shall apply for renewal of his certificate to the Board of Medical Examiners of the State of California, and the Board of Medical Examiners shall issue such renewal certificates in the same manner as other renewal certificates are issued by it.

SEC. 3. Section 3 of said act is repealed

~~Sec. 3. This act shall be known and cited as the "osteopathic act."~~

SEC. 4. Section 3 is added to said act, to read:

SEC. 3. This act, as amended, may be further amended or modified by the legislature. In addition to such power to amend or modify, the Legislature shall have the power to repeal this act, as amended, in its entirety, and transfer any or all of its functions to the board of Medical Examiners, in the event that the number of persons who are subject to the jurisdictions of the Board of Osteopathic Examiners reaches 40 or less. The Legislature shall, from time to time, appropriate to the board of Osteopathic Examiners, and in particular for the contingent fund of such board, such sums as may be reasonably necessary for the purposes of carrying out its functions and duties.

SEC. 5. Section 4 is added to said act, to read:

SEC. 4. This act shall be known and cited as the "Osteopathic Act."